

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DOTTIE J. HOLOMEK,

Plaintiff

v.

GC SERVICES LIMITED
PARTNERSHIP,

Defendant.

Case No. 8:14-cv-00412

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

JURISDICTION

1. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d) and 28 U.S.C. §1331.
2. This action arises out of Defendant's violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA" or "the Act").

VENUE

3. Venue is proper in this District because the Plaintiff resides here and Defendant transacts business here.

PARTIES

4. Plaintiff Dottie J. Holomek is a natural person residing in Bellevue, Sarpy County, Nebraska.
5. The Plaintiff is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

6. Defendant GC Services Limited Partnership (“Defendant GCS”) is a business operating from an address in Houston, Texas.

7. The Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

8. The acts of the Defendant alleged in this Complaint were performed by its employees and/or agents, acting within the scope of actual or apparent authority.

9. All references to “Defendant” shall mean the Defendant or an employee or agent of the Defendant.

FACTUAL ALLEGATIONS

10. Sometime before 2014, the Plaintiff allegedly incurred a financial obligation that was primarily for personal, family or household purposes, and is therefore a “debt” as that term is defined by §1692a(5) of the Act.

11. The account went into default with the original creditor.

12. Sometime thereafter the debt was consigned, placed or otherwise transferred to Defendant for collection.

DEFENDANT STARTS CALLING PLAINTIFF ON HER CELL PHONE

13. Starting sometime in or before September 2014, Defendant GCS started calling Plaintiff’s mobile telephone number.

14. Defendant GCS left several messages on the voice mail service of the phone.

15. In many of the messages left by Defendant GCS, the caller would state their name or alias, ask that the Plaintiff return the phone call to a specified phone number and extension and leave a reference number as well. The caller did not, however, state the

business or company name of the Defendant nor did they state that the call was from a debt collector. Nothing in these calls informed the Plaintiff that the nature and purpose of the call was about the debt or debt collection.

16. Defendant uses deceptive and misleading means in connection with the collection of a debt. The previously described actions violate numerous and multiple provisions of the FDCPA including but not limited to §§ 1692d, 1692d(6), 1692e, 1692e(10), 1692(11) and 1692f of the Act.

CLAIMS

FIRST CAUSE OF ACTION

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

17. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

18. The foregoing acts and omissions of the Defendant and its agents constitute numerous and multiple violations of the FDCPA including but not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 *et seq.*, with respect to Plaintiff.

19. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. §1692k(a)(3), from each Defendant herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

FIRST CAUSE OF ACTION

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

- for an award of statutory damages of \$1,000.00 for the Plaintiff pursuant to 15 U.S.C. §1692k(a)(2)(A);
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) for Plaintiff; and
- for such other and further relief as the Court may find to be just and proper.

JURY DEMAND

Plaintiff hereby demands trial by jury of all claims so triable.

Dated: December 19, 2014

Respectfully submitted,

DOTTIE J. HOLOMEK, Plaintiff

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